

**COUNTY OF SAN LUIS OBISPO BOARD OF SUPERVISORS
AGENDA ITEM TRANSMITTAL**

(1) DEPARTMENT Planning and Building	(2) MEETING DATE 10/22/2013	(3) CONTACT/PHONE Brian Pedrotti, Planner III / 805-788-2788	
(4) SUBJECT Request for an authorization to process a Land Use Ordinance Amendment application (LRP2011-00017 – Green Canyon LLC) to amend Section 22.112.040 of the South County (Inland) Planning Area Standards to eliminate a restriction on grazing animals on a 22-acre site located at the southern terminus of Woodhaven Way along Sunnybrook Lane, approximately 2 miles southwest of the community of Nipomo. District 4.			
(5) RECOMMENDED ACTION Review the attached proposal and determine whether your Board wishes to authorize processing.			
(6) FUNDING SOURCE(S) Application Fee	(7) CURRENT YEAR FINANCIAL IMPACT \$0.00	(8) ANNUAL FINANCIAL IMPACT \$0.00	(9) BUDGETED? Yes
(10) AGENDA PLACEMENT <input type="checkbox"/> Consent <input type="checkbox"/> Presentation <input type="checkbox"/> Hearing (Time Est. ____) <input checked="" type="checkbox"/> Board Business (Time Est. <u>30 min</u>)			
(11) EXECUTED DOCUMENTS <input type="checkbox"/> Resolutions <input type="checkbox"/> Contracts <input type="checkbox"/> Ordinances <input checked="" type="checkbox"/> N/A			
(12) OUTLINE AGREEMENT REQUISITION NUMBER (OAR)		(13) BUDGET ADJUSTMENT REQUIRED? BAR ID Number: <input type="checkbox"/> 4/5th's Vote Required <input checked="" type="checkbox"/> N/A	
(14) LOCATION MAP Attached	(15) BUSINESS IMPACT STATEMENT? No	(16) AGENDA ITEM HISTORY <input checked="" type="checkbox"/> N/A Date: _____	
(17) ADMINISTRATIVE OFFICE REVIEW Reviewed by Leslie Brown			
(18) SUPERVISOR DISTRICT(S) District 4			

County of San Luis Obispo



TO: Board of Supervisors

FROM: Planning and Building / Brian Pedrotti, Planner III

VIA: Nancy Orton, Planning Division Manager

DATE: 10/22/2013

SUBJECT: Request for an authorization to process a Land Use Ordinance Amendment application (LRP2011-00017 – Green Canyon LLC) to amend Section 22.112.040 of the South County (Inland) Planning Area Standards to eliminate a restriction on grazing animals on a 22-acre site located at the southern terminus of Woodhaven Way along Sunnybrook Lane, approximately 2 miles southwest of the community of Nipomo. District 4.

RECOMMENDATION

Review the attached proposal and determine whether your Board wishes to authorize processing.

DISCUSSION

Proposal

The project site is an approximately 22-acre site consisting of four residential parcels within the Residential Rural land use category on the south side of the South County Area (see attached Exhibit A). The applicant, Green Canyon LLC, is requesting to amend Section 22.112.040.G.11 of the South County (Inland) Planning Area Standards to eliminate an existing restriction on the allowance of grazing animals on each parcel. The applicant's intention is to provide future residents with the ability to keep grazing animals, specifically horses, on the residential parcels.

Background

The project site was originally within the Agriculture land use category prior to 2002. In April of 2002, the Board of Supervisors approved a General Plan Amendment (G990031M) to change the land use category from Agriculture to Residential Rural to allow the property to be subdivided into four residential parcels. At the time of the land use category change, the applicant chose to forego the completion of a full floristic survey and instead agreed to place restrictions on vegetation removal. One of these restrictions was the prohibition of grazing animals, as the original intention was to prevent them from destroying any sensitive plant species. This restriction was in addition to other vegetation protections in the Planning Area Standards, including a botanical report required at the time of vegetation clearance, equestrian activities limited to the existing bluff trail, and a prohibition on vegetation removal below the edge of the bluff top.

The parcel was subsequently subdivided into four 5-acre residential parcels (approved in 2005 and map recorded in 2008) and the steep portion of the Nipomo Mesa bluff was placed into an open space easement. As indicated above, there is an existing public equestrian trail that traverses the south edge of the property along the bluff edge. In addition, the four-parcel subdivision was approved with conditions to provide an equestrian trail easement from Woodhaven Way to the bluff trail. Thus, grazing animals (horses) are allowed to cross the property both north/south and east/west within these easements, but are not allowed on the parcels themselves. The applicant wishes to allow grazing animals on all parcels with the remaining vegetation removal restrictions unchanged.

Project Data

Planning Area: South County (Inland) Area Plan

Community: South of Nipomo

Assessor Parcel Number: 092-032-002, -003, -004, -005

Supervisory District No. 4

Area: 22 acres

Topography: Gently to steeply sloping

Vegetation: Grasses, eucalyptus trees, ornamentals

Water Supply: Individual well

Sewage Disposal: On-site septic systems

Existing Use and Improvements: Single-family residences on two of the four parcels

Surrounding Land Uses (Land Use Categories)

North: Single-family residences (Residential Rural)

South: Agricultural uses – crops (Agriculture)

East: Vacant, approved Jack Ready Park (Public Facilities)

West: Vacant (Residential Rural)

General Plan Information

Land Use Element Category: Residential Rural

Combining Designation: None

Planning Area Standards: Residential Rural, South County (Inland) Area

Authority

Unlike the processing of land use permits, the first step when considering requested changes to the general plan or land use ordinances is for your Board to determine whether to initiate new legislation to change the rules. If you authorize this request for processing, the item will be scheduled for public hearings before the Planning Commission and your Board after the environmental review process and staff report is completed.

The Framework for Planning, which is a component of the Land Use Element of the General Plan, provides guidelines for amendments to the Land Use Ordinance. The Framework states that new or amended Land Use Ordinance standards should be guided by the following principles for implementation of General Plan goals:

1. **Consideration of the Surroundings.** All developments should be designed with maximum consideration of the characteristics of project sites and their surroundings:
 - a. To enhance and achieve full use of special site potentials such as natural terrain, views, vegetation, natural waterways or other features;
 - b. To respect and mitigate (or avoid) special site constraints such as climatic conditions, noise, flooding, slope stability, significant vegetation or ecologically sensitive surroundings;
 - c. To be compatible with present and potential adjacent land uses within the context of the area's urban, suburban or rural character.
2. **Residential Design.** Designs for proposed residential uses should include:
 - a. Provisions for privacy and usable open space;
 - b. Orientation and design features to shelter from prevailing winds and adverse weather, while enabling use of natural light, ventilation and shade.

3. **Safe Circulation.** All developments should be designed to provide safe vehicular and pedestrian movement, adequate parking for residents, guests, employees and emergency vehicles.

Staff Response: The proposed Land Use Ordinance Amendment is fairly limited in scope as it proposes to remove a single standard to allow grazing animals on the property. Staff's review will primarily focus on the project's consideration of its surroundings and compatibility with adjacent land uses as follows:

- *Consideration of the Surroundings – The proposed amendment would potentially impact existing plant species on the property. If authorized, staff will complete an Initial Study as required by the California Environmental Quality Act (CEQA) which will evaluate the impacts of the proposal on biological resources. The applicant has submitted a Biological Assessment (McGovern, 2013) which has been preliminarily reviewed by the County biologist and will be used in this evaluation. In addition, staff will consider the other existing Planning Area Standards for the property as well as what equestrian uses are currently allowed.*
- *Residential Design – The proposal is limited to allowance of grazing animals on the site and will not impact residential design. Staff does not anticipate that amendment of the planning area standard will have an effect on this issue.*
- *Safe Circulation – The proposal is limited to allowance of grazing animals on the site and will not impact circulation. Staff does not anticipate that amendment of the planning area standard will have an effect on this issue.*

Authorization Options

Your Board should consider the following options as part of your discussions when considering whether to authorize this project for processing:

1. **Authorize as Requested.** Authorize the application for processing as requested to amend Section 22.112.040.G.11 of the Land Use Ordinance to allow grazing animals on the project site.
2. **Do Not Authorize.** Do not authorize the processing of this application.

OTHER AGENCY INVOLVEMENT/IMPACT

If the project is authorized for processing, the application will be referred to all applicable agencies and community advisory bodies. The application was sent as a tentative referral (notification that the application was requested, but has not yet been authorized for processing) to County Public Works, County Environmental Health, California Fish and Game, and United States Fish and Wildlife Service.

FINANCIAL CONSIDERATIONS

The applicant has paid a deposit and has agreed to process the amendments under a Real Time Billing Agreement, which will allow for the recovery of the actual cost of processing.

RESULTS

Authorization of the Land Use Ordinance Amendment application will allow continued processing and a final decision to occur. Not authorizing the application will stop the further processing of the Land Use Ordinance Amendment.

ATTACHMENTS

Exhibit A - Vicinity Map

Exhibit B - Land Use Category Map

Exhibit C - Applicant Request

Exhibit D - Proposed Land Use Ordinance Changes